

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
UNITED STATES OF AMERICA, :
:
-v- :
:
LEROY CAIN, :
:
Defendant. :
-----X

12-CR-676 (JPO)

OPINION AND ORDER

J. PAUL OETKEN, District Judge:

On January 28, 2014, Leroy Cain received a sentence of 66 months of imprisonment after pleading guilty to robbery in violation of 18 U.S.C. § 1951. (Dkt. No. 44). Under the sentencing guidelines in effect at the time, the applicable sentence range was 110 to 137 months. (Dkt. No. 47 at 12.) Cain now moves for a sentence reduction. (Dkt. No. 50.)

Effective November 1, 2014, the United States Sentencing Commission (“Sentencing Commission”) amended the United States Sentencing Commission Guidelines Manual (“sentencing guidelines”) to lower the guideline sentence range for a number of drug offenses. *See* U.S.S.G. § 1B1.10. The Sentencing Commission authorized retroactive application of the amendment to the drug guidelines. 79 C.F.R. § 148 (2014).

Cain’s conviction and sentence are for robbery, not for one of the drug offenses covered by the amendment to the sentencing guidelines. Accordingly, the motion for a sentence reduction is DENIED. The Clerk of the Court is directed to terminate the motion. (Dkt. No. 50.)

SO ORDERED.

Dated: September 15, 2015
New York, New York



J. PAUL OETKEN
United States District Judge

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